



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 31839590

Date: JULY 3, 2024

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a project manager who “intend[s] to work in the field of manufacturing eco-friendly products,” seeks classification as an individual of extraordinary ability in business. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner did not establish that he had satisfied at least three of ten initial evidentiary criteria, as required. We dismissed a subsequent appeal. The matter is now before us on motion to reopen.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

On motion, the Petitioner submits letters from former officials of a Russian government ministry and an environmental organization. The Petitioner asserts that these new facts establish eligibility by addressing deficiencies in his prior evidence.

A petitioner seeking classification as an individual of extraordinary ability may establish eligibility by meeting at least three of ten criteria specified at 8 C.F.R. § 204.5(h)(3), and by showing through a final merits determination that the record as a whole establishes the individual’s sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

The Petitioner had claimed to meet four of the initial criteria, relating to nationally or internationally recognized prizes or awards for excellence in the field of endeavor; membership in associations that require outstanding achievements of their members, as judged by recognized national or international experts; published material about the individual in professional or major trade publications or other major media; and original contributions of major significance in the field. The Director determined that the Petitioner had not satisfied any of the claimed criteria.

We dismissed the Petitioner's appeal, agreeing with the Director that the Petitioner had not satisfied the criteria relating to prizes and memberships. We reserved the remaining two criteria, because discussion of those last two criteria could not alter the outcome of the appeal.<sup>1</sup> We did not conduct a full final merits determination, but we briefly stated that the record "does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought."

On motion, the Petitioner addresses the two criteria that we discussed in our appellate decision. As discussed below, we conclude that the new evidence does not overcome our prior conclusions.

*Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).*

The Petitioner claimed to satisfy the requirements of this criterion through his receipt of a Certificate of Merit from [REDACTED]. The Director, in denying the petition, concluded that the Petitioner had not established that the certificate is nationally or internationally recognized, and had not established the criteria for the certificate.

In our appellate decision, we acknowledged that a letter in the record "provides some background information, such as the evaluating criteria," but we concluded that "the Petitioner did not demonstrate the recognition of the award beyond the [REDACTED]."

On motion, the Petitioner states: "The Certificate of Merit is the highest praise from the [REDACTED] [REDACTED] for an employee who has worked in the Ministry for less than 15 years." This assertion does not tend to support the Petitioner's claim of eligibility. An award available only to persons within a single employer may have little national or international recognition. *See generally 6 USCIS Policy Manual F.2(B)(1)*. The burden is on the Petitioner to establish that the certificate is recognized nationally or internationally, rather than within one ministry of the Russian government.

The Petitioner submits a letter from the former chairperson of the commission that issued the certificate to the Petitioner. The letter discusses the criteria for the certificate, but we already acknowledged those criteria in our appellate decision. The new letter from a former Ministry official indicates that "[t]hese awards have weight within the work of the Ministry," but does not establish wider recognition of the awards.

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<sup>1</sup> *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where the applicant did not otherwise meet their burden of proof).

The Petitioner's motion does not address or overcome our conclusions regarding the recognition of the certificate beyond the Petitioner's employer. The Petitioner has not established that the certificate, which he says is only available to certain employees of the Ministry, is a nationally or internationally recognized prize or award for excellence in the Petitioner's field.

*Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.*  
8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner documented his membership in the Moscow Regional Organization of the All-Russian Society for the Protection of Nature. A letter from a member of the organization stated that membership is open to "[p]ersons who make obvious contribution to the development and popularization of the protection of nature in the territory of the Russian Federation," and who submit "documents that confirm the professional activities of the applicant and his/her contribution to the development and popularization of the protection of nature in the territory of the Russian Federation."

In the denial notice, the Director stated that the Petitioner had not shown that the association requires outstanding achievements of its members, as judged by recognized national or international experts in their disciplines or fields. In our dismissal notice, we agreed with the Director's conclusions.

On motion, the Petitioner submits a letter from the regional organization's deputy chairperson, "to show the criteria for joining" that organization. The letter from that official identified types of activities that the Petitioner had documented, such as "[p]ublishing . . . activities on issues of environmental management and environmental protection, environmental education and public awareness" and "[a]ctivities aimed at developing and implementing socially significant programs, projects and activities in the field of environmental protection and rational use of natural resources."

While the letter identifies a number of activities, it does not state that the identified activities are inherently outstanding achievements, or that the association otherwise requires outstanding achievements of its members. The letter also does not demonstrate that recognized national or international experts judge membership applications. As we observed in our appellate decision, the titles of the individuals who judge those applications are not evidence of national or international recognition.

For the reasons discussed above, the Petitioner's new evidence does not overcome our previous conclusions about the Petitioner's award and his membership in an association. The Petitioner, on motion, does not address our general conclusion that the record does not establish sustained national or international acclaim as the statute and regulations require.

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established eligibility. Therefore, we will dismiss the motion. 8 C.F.R. § 103.5(a)(4).

**ORDER:** The motion to reopen is dismissed.